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FUJITSU LIMITED, and  
FUJITSU MICROELECTRONICS AMERICA, INC.

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and  
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiff,

vs.

FUJITSU LIMITED, FUJITSU  
MICROELECTRONICS AMERICA, INC.,

Defendants.

CIVIL CASE NO. 06-CV-00025

**FUJITSU MICROELECTRONICS  
AMERICA, INC.'S REPLY IN SUPPORT  
OF ITS MOTION TO DISMISS OR  
TRANSFER TO THE NORTHERN  
DISTRICT OF CALIFORNIA AND FOR  
A MORE DEFINITE STATEMENT**

Defendant Fujitsu Microelectronics America, Inc. ("FMA") hereby replies to Plaintiffs' Response and Memorandum in Opposition to Defendants' Motions to Dismiss or Transfer to the Northern District of California and for a More Definite Statement ("Nanya's Response").

**FILED**  
DISTRICT COURT OF GUAM  
MAY 31 2007 *mba*  
MARY L.M. MORAN  
CLERK OF COURT

## I. INTRODUCTION

Despite months of discovery and Nanya's best attempts to prove otherwise, it remains clear that Nanya's causes of action lack jurisdiction over FMA. Nanya has utterly failed to substantiate even a single accusation by which they could establish jurisdiction. FMA simply does not have contacts with Guam sufficient to establish personal jurisdiction generally and this Court lacks specific personal jurisdiction with respect to the activities about which Nanya complains because the activities did not occur on Guam, nor did they arise from or have anything to do with any alleged contacts between FMA and Guam.

Nanya has asserted two types of federal claims against FMA: (1) antitrust claims; and (2) patent claims. But, the alleged antitrust conduct is, by *Nanya's* own admission, the conduct of Fujitsu Ltd. and not FMA. Fujitsu Ltd.'s alleged conduct cannot be the basis for jurisdiction over FMA.

Concerning the patent claims, Nanya has spent many months and much effort trying to establish a "stream of commerce" basis for jurisdiction. Such a theory requires Nanya to prove at least that FMA's products are reaching Guam through regular distribution channels. However, Nanya has apparently acquired only a *single* device on Guam that it alleges contains an FMA product, *i.e.*, a OneTouch Ultra blood glucose monitor. But this device does not contain an FMA chip. As discussed below, a simple investigation by FMA established that the chips in this device are made by others. Nanya's other "evidence" of stream of commerce is similarly flawed and easily refuted. There is no basis for specific jurisdiction over FMA.

## II. NANYA HAS FAILED TO ESTABLISH JURISDICTION OVER FMA UNDER THEIR ANTITRUST CAUSES OF ACTION

### A. Nanya Does Not Even Allege That FMA Had Any Involvement in the Conduct Related to Nanya's Antitrust Causes of Action

Nanya broadly declares that both Fujitsu Ltd. and FMA are subject to the jurisdiction of this Court based on alleged anticompetitive conduct that violates the Clayton Act. Nanya bears the burden of establishing a *prima facie* case supporting *in personam* jurisdiction for each defendant. *See Span Constr. & Eng'g, Inc. v. Stephens*, 2006 U.S. Dist. LEXIS 48896, \*12 (D. Cal. 2006) ("When a defendant moves to dismiss for lack of personal jurisdiction, the plaintiff is 'obligated to come forward with facts, by affidavit or otherwise, supporting personal jurisdiction.'") (quoting *Amba Mtkg. Sys., Inc. v. Jobar Int'l, Inc.*, 551 F.2d 784, 787 (9th Cir.

1977)). However, the “anticompetitive conduct” set forth in Nanya’s Reply that forms the basis for the antitrust allegations is described as being conducted by Fujitsu Ltd.:

(1) *Fujitsu Ltd.* accused Plaintiffs’ DRAM products of infringing several expired United States patents; (2) *Fujitsu Ltd.* conditioned a license to numerous United States patents upon Plaintiffs paying royalties on DRAM sales in jurisdictions where *Fujitsu Ltd.* has no patent rights; (3) *Fujitsu Ltd.* conditioned a license to a single Japanese patent upon Plaintiffs taking a license to and paying royalties on numerous United States patents; and (4) *Fujitsu Ltd.* demanded substantial royalties from Plaintiffs when the same United States patents had been previously licensed to others royalty-free.

(Nanya’s Response at 2 (emphasis added, internal citations omitted)). These activities are thus simply not relevant to the question of whether *FMA* is subject to *in personam* jurisdiction. “Personal jurisdiction must exist for each claim asserted against a defendant.” *Action Embroidery Corp. v. Atlantic Embroidery, Inc.* 368 F.3d 1174, 1180 (9th Cir. 2004) (citing *Data Disc, Inc. v. Sys. Tech. Assocs., Inc.*, 557 F.2d 1280, 1289 n.8 (9th Cir. 1977)). Thus, *FMA* cannot be subject to personal jurisdiction for the asserted anticompetitive conduct of another party. *Holland Am. Line, Inc. v. Wartsila N. Am., Inc.*, 2007 U.S. App. LEXIS 10797, \*22-\*20 (9th Cir. 2007) (stating well-established rule that “where a parent and a subsidiary are separate and distinct corporate entities, the presence of one . . . in a forum state may not be attributed to the other”).

**B. Nanya Is Not Entitled to Rely on Antitrust as a Basis for Jurisdiction**

Nanya is not entitled to rely on 15 U.S.C. § 22, the Clayton Act, as a basis to subject *FMA* to jurisdiction in this action. In order for Nanya to retain its much-trumpeted “first to file” status, its Amended Complaint must relate back to its original Complaint. However, an amended complaint cannot relate back to a previous complaint over which there was no jurisdiction. See *Austin v. Trandell*, 207 F. Supp. 2d 616, 624 (E.D. Mich. 2002) (“it is axiomatic that in order for the doctrine of relation back to apply, the prior pleadings must be properly filed and the court must have jurisdiction over the claim at the time of the prior pleadings”). In Nanya’s original Complaint, it did not allege that antitrust was a basis for

jurisdiction over FMA. (Original Complaint at ¶ 5). Thus, Nanya cannot rely on the Clayton Act as a basis for jurisdiction.<sup>1</sup>

### C. FMA is Not Subject to Pendent Personal Jurisdiction

Nanya's attempt to assert pendent personal jurisdiction over FMA for its Sherman Act and patent causes of action fails because Nanya is not able to establish personal jurisdiction under its Clayton Act claims, as described above. Nanya's own case law recognizes that extending jurisdiction to other claims on this basis requires that personal jurisdiction first be established on other grounds. *Action Embroidery*, 368 F.3d at 1180. Nanya alleges that "[t]he same nucleus of operative facts that [allegedly give] rise to Plaintiffs' Clayton Act claims gives rise to Plaintiffs' Sherman Act claims and patent claims." (Nanya's Response at 4). However, because FMA was not involved in any of the "operative facts" that Nanya has alleged under its Clayton Act and Sherman Act claims, such as the "price discrimination and anticompetitive conduct [that] result from Fujitsu Ltd.'s accusations of patent infringement", FMA may not properly be subjected to pendant personal jurisdiction for such alleged conduct. (Nanya's Response at 2-4).

Pendant jurisdiction should only be extended at the discretion of the trial court and is not a plaintiff's right. *Action Embroidery*, 368 F.3d at 1181. If the claim from which pendant jurisdiction stems is dismissed or transferred out of the forum, then all claims under the pendant jurisdiction doctrine should similarly be dismissed or transferred. *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988) (explaining that in the "usual case" a district court will dismiss state claims when "federal-law claims have dropped out of the lawsuit in its early stages"); *Teledyne, Inc. v. Kone Corp.*, 892 F.2d 1404, 1407 (9th Cir. 1989) ("[i]t is true that we have regularly refused to permit the exercise of federal jurisdiction over parties for whom the only claim to such jurisdiction was the pendent jurisdiction").

### III. NANYA HAS FAILED TO ESTABLISH GENERAL JURISDICTION

When a cause of action is unrelated to a non-resident defendant's forum activities, a court may *only* exercise general jurisdiction when defendant's contacts with the forum are "substantial, continuous or systematic." See *Trintec Indus. v. Pedre Promotional Prods.*, 395 F.3d 1275, 1279 (Fed. Cir. 2005); *Action Embroidery*, 368 F.3d at 1180; *Data Disc.*, 557 F.2d at 1287. Nanya has yet to provide *any* evidence of FMA's contact with Guam, let alone evidence

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<sup>1</sup> This issue is more fully briefed in Fujitsu Ltd.'s Reply in Support of its Motion to Dismiss or Transfer to The Northern District of California and For a More Definite Statement.

1 proving that FMA has substantial, continuous or systematic contacts with Guam. The only  
 2 support in Nanya's Response relating to this contention refers to an "underwater cable system"  
 3 passing through Guam between China and the continental United States. By Nanya's own  
 4 admission, this system actually involves Fujitsu Ltd., *not* FMA. At no point does Nanya actually  
 5 show, or even assert, that there is a connection between *FMA* and this underwater cable system.<sup>2</sup>  
 6 FMA's activities in Guam, which are nonexistent, do not support the extension of general  
 jurisdiction over FMA. *See Abuan v. Gen. Elec. Co.*, 735 F. Supp. 1479, 1482 (D. Guam 1990).

#### 7 **IV. NANYA HAS FAILED TO ESTABLISH SPECIFIC JURISDICTION FOR ANY** 8 **OF ITS ASSERTED CAUSES OF ACTION**

##### 9 **A. The Requirements of the Stream of Commerce Test**

10 Specific jurisdiction "arises out of" or "relates to" an asserted cause of action.  
 11 *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414-16 (1984); *HollyAnne*  
 12 *Corp. v. TFT, Inc.*, 199 F.3d 1304, 1307 (Fed. Cir. 1999). Nanya relies exclusively on a stream of  
 13 commerce theory to try and show specific jurisdiction. (Nanya's Response at 5). Under a stream  
 14 of commerce theory, Nanya must show that the actual cause of action, in this case acts of patent  
 15 infringement under 35 U.S.C. § 271(a), actually occurred on Guam. *HollyAnne Corp.*, 199 F.3d  
 16 at 1308; *see also Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004)  
 17 (holding that to sustain specific personal jurisdiction, the claim must arise out of or relate to the  
 18 defendant's forum related activity).<sup>3</sup> Thus, for this allegation, Nanya must begin by identifying a  
 19 device that it *reasonably* believes is infringing, and show that this device or a product actually  
 20 incorporating this device has actually reached Guam.<sup>4</sup> *See HollyAnne*, 199 F.3d at 1308 (holding  
 21 that for specific personal jurisdiction to be exercised over a defendant in a patent infringement  
 case, the plaintiff must allege that defendant's infringing conduct occurred in the forum state).<sup>5</sup>

22 <sup>2</sup> Again, Nanya, through a "sleight of hand", uses the term "Defendants" by saying that that "Defendants'  
 23 participation in this project" contradicts FMA's claim. (Nanya's Response at 9).

24 <sup>3</sup> *See, also, Gemmy Indus. Corp. v. Chrisha Creations Ltd.*, 2004 U.S. Dist. LEXIS 2170, \*21-23 (D. Kan.  
 2004); *Zeneca Ltd. v. Pharmachemie B.V.*, 1996 U.S. Dist. LEXIS 20910, \*11-13 (D. Md. 1996).

25 <sup>4</sup> Even Nanya's Response acknowledges that the stream of commerce theory "applies to *accused parts or*  
 26 *devices that are incorporated into final or end products that reach the final forum.*" (Nanya's Response at 5,  
 emphasis added (*citing Commissariat A L'Energie Atomique v. Chi Mei Optoelectronics Corp.*, 395 F.3d 1315, 1323  
 (Fed. Cir. 2005))).

27 <sup>5</sup> *See, also, Gemmy Indus.*, 2004 U.S. Dist. LEXIS 2170 at \*21-23 (refusing to find specific jurisdiction for  
 28 non-infringing products found in the forum state); *Zeneca*, 1996 U.S. Dist. LEXIS 20910 at \*11-13 (interpreting  
 Supreme Court and Federal Circuit law, denying the plaintiff's stream of commerce arguments because the products  
 reaching the forum were non-infringing).

1 Activity or devices for which Nanya has not asserted patent infringement are thus irrelevant to  
2 this determination and should be disregarded. *See Id.*

3 Nanya relies primarily on two cases in support of its stream of commerce theory  
4 and in each case personal jurisdiction was found where products incorporating the accused  
5 devices were actually sold or were likely sold in the forum state through an established  
6 distribution channel. *Commissariat a l'Energie Atomique v. Chi Mei Optoelectronics Corp.*, 395  
7 F.3d 1315, 1317 (Fed. Cir. 2005) (court permitted jurisdictional discovery to allow the plaintiff a  
8 chance to prove that the accused products actually reached the forum state where plaintiff  
9 demonstrated both that defendant had an established distribution channel for the accused products  
10 into the forum state and that the defendant had made offers for sale and likely sales of its accused  
11 products to its residents); *Beverly Hills Fan Co. v. Royal Sovereign Corp.*, 21 F.3d 1558, 1551,  
12 1564 (Fed. Cir. 1994) (court found personal jurisdiction based on a stream of commerce theory  
because products incorporating the accused devices were sold in the forum state through an  
established distribution channel).

13 As explained below, in spite of extensive jurisdictional discovery, Nanya has not  
14 come close to satisfying the requirements of stream of commerce set forth in these cases. *See*  
15 *Ball v. Metallurgie Hoboken-Overpelt, S.A.*, 902 F.2d 194, 197 (2d Cir. 1990) (stating well-settled  
16 rule that after jurisdictional discovery, plaintiff's burden of proving personal jurisdiction is  
17 heightened and requires an affirmative showing of facts), *cert. denied*, 498 U.S. 854 (1990).

18 **B. Nanya Has Failed to Show That Any FMA Accused Devices were Found on**  
19 **Guam**

20 In a stream of commerce analysis, Nanya must first identify those parts or devices  
21 that it accuses of infringement to determine whether such devices have been placed into a stream  
22 of commerce. *See Commissariat A L'Energie Atomique*, 395 F.3d at 1321-22. However, Nanya  
23 has chosen to sidestep this requirement by deliberately defining what it considers to be accused  
24 devices so vaguely that it may encompass each and every type of microcontroller ("MCU") sold  
25 by FMA as well as many other products. For example, Nanya identifies the allegedly infringing  
26 FMA products as including "Various MCUs (including possible FlexRay and CAN controllers)".  
27 (Nanya's Response at 9 (emphasis added)). Thus, Nanya vaguely points at hundreds of different  
28 products as being accused devices, without specifically identifying all the products it has a  
reasonable basis to believe are infringing. This is a deliberate attempt by Nanya to avoid the  
requirement that the specific accused devices be identified. *See HollyAnne*, 199 F.3d at 1308.



1 Further, even with its vague definition of what is allegedly infringing, Nanya *still*  
2 fails to show that even one infringing product from FMA was found on Guam. What Nanya  
3 provides as supporting evidence is nothing more than a list of products manufactured and sold by  
4 others. (Nanya's Response at 8). Nanya argues that the products it has found on Guam are end-  
5 products allegedly incorporating FMA accused devices, namely the OneTouch Ultra blood  
6 glucose monitor, BMW 5 and 7 series automobiles, Hyundai automobiles, Ford automobiles,  
7 Land Rover automobiles, Canon digital cameras, Lexar Media Jump Drive memory device, and  
8 SanDisk Compact Flash memory device. Interestingly, however, among the 57 Exhibits and  
9 hundreds of pages submitted with Nanya's Response, there is *absolutely no evidence that any of*  
10 *these products actually contains an FMA device*. Instead of simply opening up one of these  
11 products and showing the FMA device allegedly contained within, Nanya relies on documents  
12 and emails that only refer to parts being sold to third parties and to other documents that indicate  
13 that these third parties sell equipment on Guam. (See Table attached as Exh. 1). Not one of these  
14 emails or documents provides evidence of allegedly infringing products actually being found on  
15 Guam.

16 It is paradoxical that Nanya would stop short of showing the actual FMA accused  
17 devices they allege are found in these end-products, despite having over five months in which to  
18 do so.<sup>6</sup> In fact, Nanya points to only *one* end-product that it acquired and that is alleged to have  
19 an accused FMA device, *i.e.*, a Johnson & Johnson OneTouch Ultra blood glucose monitor  
20 ("OneTouch"). However, Nanya fails to present evidence of the actual components inside the  
21 OneTouch in its possession. (See Nanya's Response, Exhibit 55). FMA purchased the exact  
22 same model of the OneTouch glucose monitor and shipped this device (unopened) to TAEUS  
23 International, a well-known reverse engineering company. (See Decl. of Michael M. Murray and  
24 Decl. of James Dunlop, submitted herewith). TAEUS found that the device in fact contained  
25 integrated circuits plainly marked as "NEC" and "ElectroMed" devices. (See Decl. of James  
26 Dunlop, submitted herewith). NEC and ElectroMed are entirely unrelated to FMA and, in fact,  
27 NEC is a competitor of FMA. The sale of these third party devices on Guam does not, of course,  
28 support jurisdiction against FMA. FMA in fact has *never* supplied any MCUs to *any* glucose  
monitoring device manufacturers. (See Decl. of Akio Nezu, submitted herewith).

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<sup>6</sup> Interestingly, in the related California action, Nanya was quite adept at providing precise images of chipsets in their patent infringement contentions.

1 Nanya's other evidence of stream of commerce is just as flawed. (Nanya's  
 2 Response at 8-9). For example, Nanya cites Hyundai, Ford, and Land Rover automobiles as  
 3 being sold on Guam, and then cites to emails discussing proposals of *possible* sales of *Fujitsu Ltd.*  
 4 to each of these automotive manufacturers. (Nanya's Response at 9, Exhibits 16, 19, and 21).  
 5 This allegedly "overwhelming evidence" (Nanya's Response at 8) fails on numerous counts: (1)  
 6 the documents are only proposals and do not confirm an actual sale of any devices to the  
 7 automotive manufacturers or their suppliers; (2) Nanya fails to show, or even assert, how FMA is  
 8 associated with these hypothetical Fujitsu Ltd. sales; and (3) FMA has not, in fact, sold *any* parts  
 9 to Hyundai, Ford, Land Rover, Jaguar, or Visteon.<sup>7</sup> (Nanya's Response at 9).

10 Nanya also cites Olympus and Canon digital cameras as allegedly incorporating  
 11 accused FMA devices. (Nanya's Response at 9, Exhibit 25). Again, Nanya fails to provide  
 12 evidence of: (1) whether the listed devices actually contain an accused FMA device; and (2) how  
 13 FMA is alleged to have provided such an accused device to the listed manufacturer.<sup>8</sup> (See  
 14 Nanya's Response at 9). Attached as Exh. 1 hereto is a table that lists and refutes each piece of  
 15 Nanya's "evidence" of stream of commerce. This "evidence" does not come close to satisfying  
 16 Nanya's burden to demonstrate specific jurisdiction under a stream of commerce theory.<sup>9</sup>

17 **C. Nanya Has Failed to Show How Any FMA Accused Devices Have Traveled**  
 18 **Through "Regular Distribution Channels" in the Stream of Commerce to**  
 19 **Guam**

20 Nanya acknowledges that in order to show that personal jurisdiction exists, an  
 21 accused infringer must "intentionally place[] products into the stream of commerce" and this flow  
 22 of products into the forum must be "regular and anticipated". (Nanya's Response at 5 (*citing*  
 23 *Commissariat A L'Energie Atomique*, 395 F.3d at 1323.)). Not only has Nanya failed to show  
 24 that *any* FMA products were actually sold on Guam, Nanya has failed to even attempt to show  
 25 that FMA places its products into regular distribution channels and that sale on Guam could have  
 26 been reasonably anticipated by FMA. Instead, Nanya names a handful of products trademarked

27 <sup>7</sup> Nanya could have easily verified this by looking at FMA's customer lists, which were produced to Nanya  
 28 and which do not include Hyundai, Ford, Land Rover, Jaguar, or Visteon.

<sup>8</sup> Again, Nanya could have verified this by looking at FMA's customer lists, which do not include Olympus  
 or Canon.

<sup>9</sup> Nanya also presents evidence that Fujitsu trademarked items are sold on Guam, such as laptop computers,  
 computer hard drives, computer batteries, and microcontrollers. However, these non-accused parts have no relevance  
 to the question of specific jurisdiction or the stream of commerce theory. See *HollyAnne* 199 F.3d at 1308; *Gemmy*  
*Indus.*, 2004 U.S. Dist. LEXIS 2170 at \*21-23; *Zeneca*, 1996 U.S. Dist. LEXIS 20910 at \*11-13. Nanya also does  
 not show how FMA is associated with these items.



1 by *Fujitsu Ltd.* and alleges that they are available on Guam. However, this is irrelevant to a  
 2 determination concerning stream of commerce for FMA, as these products have not been accused  
 3 of infringing Nanya's patents and bear no relation to FMA. *Alpine View Co. v. Atlas Copco AB*,  
 4 205 F.3d 208, 216 (5th Cir. 2000) (holding that placing products into stream of commerce which  
 5 are unrelated to claim is not relevant for specific jurisdiction); *see also HollyAnne* 199 F.3d at  
 6 1308; *Gemmy Indus. Corp. v. Chrisha Creations Ltd.*, 2004 U.S. Dist. LEXIS 2170, \*21-23 (D.  
 7 Kan. 2004); *Zeneca Ltd. v. Pharmachemie B.V.*, 1996 U.S. Dist. LEXIS 20910, \*11-13 (D. Md.  
 1996).

8 Nanya also attempts to manufacture jurisdiction by special ordering a product (a  
 9 Canon EOS 10) that allegedly contains an FMA product. (Nanya's Response, Exhibit 29). These  
 10 activities, however, are not relevant to a stream of commerce analysis. *See ESAB Group, Inc. v.*  
 11 *Centricut L.L.C.*, 34 F. Supp. 2d 323, 332 (D.S.C. 1999) ("courts have repeatedly held that  
 12 jurisdiction may not be manufactured by the conduct of [plaintiff]"); *see also Red Wing Shoe Co.*  
 13 *v. Hockerson-Halberstadt, Inc.*, 148 F.3d 1355, 1359 (Fed. Cir. 1998) (holding contacts resulting  
 14 from the unilateral activity of others do not count in the minimum contacts calculation); *see also*  
 15 *Dawson v. Pepin*, 2001 U.S. Dist. LEXIS 10074, \*12-13 (W.D. Mich. 2001) (refusing to consider  
 16 a sale to plaintiff's representative via an "800" number as evidence bearing on defendant's  
 17 contacts with the forum). Here, acting through Mr. Razzano, Nanya's activities would bring the  
 18 "special ordered" device to Guam and not the activities of FMA, which is necessary for such  
 19 conduct to be relevant under this test. *Id.* "[A] plaintiff may not manufacture jurisdiction by  
 20 engaging in a sale merely to confer jurisdiction in a particular forum." 2001 U.S. Dist. LEXIS  
 10074 at \*12; *see also DeSantis v. Hafner Creations*, 949 F. Supp. 419, 424 (D. Va. 1996)  
 ("plaintiff . . . may not . . . initiate a transaction for the sole purpose of creating jurisdiction").

## 21 **V. NANYA'S CAUSES OF ACTION AGAINST FMA SHOULD AT THE VERY** 22 **LEAST BE TRANSFERRED FOR CONVENIENCE**

23 If FMA is not dismissed from this action, FMA respectfully requests that it be  
 24 transferred to the Northern District of California under 28 U.S.C. § 1404(a) for the reasons set  
 25 forth in Defendants' Motion to Immediately Transfer for Convenience (Dkt. No. 192);  
 26 Defendants' Memorandum of Points and Authorities in Support of Motion to Immediately  
 27 Transfer for Convenience (Dkt. No. 194); and Defendants' Reply to Plaintiffs' Response to  
 28 Defendants' Motion To Immediately Transfer for Convenience (Dkt. No. 246)). The failure of  
 Nanya to find a single FMA product on Guam and to find a single FMA contact with Guam

1 demonstrates that Guam is an inappropriate forum in which to litigate Nanya's dispute with this  
2 California corporation. Thus, transfer for convenience is warranted.

3 **VI. NANYA'S AMENDED COMPLAINT FAILS TO SPECIFICALLY IDENTIFY**  
4 **FMA'S ACCUSED INFRINGING PRODUCTS**

5 Nanya does not deny that its Amended Complaint is missing critical required  
6 information. Instead, Nanya argues that FMA's requests for a more definite statement concerning  
7 their identification of infringing products are moot because Nanya will *eventually* provide the  
8 necessary information. However, the Amended Complaint is deficient on its face and Nanya's  
9 promise to someday produce the required information does not correct this deficiency.

10 **VII. CONCLUSION**

11 For the foregoing reasons, FMA respectfully requests that this Court dismiss FMA  
12 from this action with prejudice for lack of personal jurisdiction, improper venue or inconvenient  
13 forum or, in the alternative, transfer FMA to the United States District Court for the Northern  
14 District of California, a substantially more convenient forum to hear this dispute. FMA further  
15 requests, if this case proceeds, that Nanya be required to amend its Amended Complaint to  
16 identify the specific FMA products accused of infringement.

17 Respectfully submitted this 31<sup>st</sup> day of May, 2007

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21 *Attorneys for Defendants*  
22 *Fujitsu Limited and*  
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24 By:

25   
26 **JENNIFER A. CALVO-QUITUGUA**  
27  
28

# EXHIBIT 1

<b>FN #</b>	<b>Ex #</b>	<b>Nanya's Citation</b>	<b>Brief Description of Document</b>	<b>What is missing from these documents?</b>
FN 34	Ex 10	"Corporate Profile," <a href="http://www.fujitsu.com/global/about/profile/">http://www.fujitsu.com/global/about/profile/</a> (last visited on May 1, 2007).	Statement on Fujitsu limited website says that "Fujitsu is a leading provider of customer-focused information technology and communications solutions for the global marketplace."	Document refers only to Fujitsu Limited and not FMA.  Document does not discuss the actual incorporation of a Fujitsu Limited or FMA Accused Device for sale in Guam.
FN 35	Ex. 11	Press releases and marketing materials downloaded from Fujitsu Ltd.'s website regarding automotive applications for Fujitsu microcontrollers.	Press release from Fujitsu Microelectronics Asia regarding compatibility of 16 Bit MCUs with CAN automobile networks.  Press release from Fujitsu Microelectronics Asia regarding compatibility of 16 Bit MCUs with CAN automobile networks.	Documents do not discuss the actual incorporation of a Fujitsu Limited or FMA Accused Device in an automobile, part of an automobile, or any other product.  Fujitsu Limited and FMA are not the <i>only</i> companies to sell MOST and CAN compatible products.
	Ex. 12	Fujitsu document titled Fujitsu's Automotive Products and Solutions. Bates No. FMA_0034227-30.	List of bullet points indicating possible uses of FMA microcontrollers in automotive industry	Document does not discuss the actual incorporation of a Fujitsu Limited or FMA Accused Device in an automobile, part of an automobile, or any other product.  Document does not list any Accused Devices.
FN 36	Ex. 13	"Fujitsu Microelectronics	Describes the	Document does not

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
		America, Inc. Company Overview," <a href="http://www.fujitsu.com/us/about/edevice/fma/">http://www.fujitsu.com/us/about/edevice/fma/</a> (last visited on May 14, 2007) and "Corporate Overview 2006 of Fujitsu Microelectronics America, Inc." <a href="http://www.fujitsu.com/downloads/MICRO/fma/pdf/overview_06.pdf">http://www.fujitsu.com/downloads/MICRO/fma/pdf/overview_06.pdf</a> (last visited on May 14, 2007).	company and names products that FMA sells and types of applications for FMA's products.	discuss the actual incorporation of a Fujitsu Limited or FMA Accused Device in an automobile, part of an automobile, or any other product.  Document does not specifically list any Accused Devices.
FN 37	Ex. 14	Fujitsu document titled, "An Introduction to Fujitsu GDC Family", p. 17, Bates No. FMA_0040913	Describes capabilities for Graphic Display Controllers in automobiles and lists automobiles that use Fujitsu GDCs.	Document does not state that an Accused Device manufactured or sold by FMA was incorporated into an automobile.  Document does not list any Accused Devices.
	Ex. 15	Email string from Dan Landeck at FMA to John Anderson at Synergistic Sales regarding Fujitsu part number MB86291APFVS, Bates No. FMA_0031214 and documents related to Fujitsu microcontrollers in the MOST system that is in BMW vehicles (attached as <u>Exhibit C</u> to Declaration of Joseph Razzano ("Razzano Decl.")).	Email identifying part used by Siemens VDO for BMW and Porsche.	Email does not list any Accused Devices.  Email does not state that an Accused Device manufactured or sold by FMA was incorporated into an automobile or a part of an automobile.
	Ex. C to Razzano Decl.	Documents related to MOST system in BMW vehicles	Documents appear to be BMW service training slides and an electrical system diagnosis for models for certain BMW models.	Documents do not list any Accused Devices.  Documents do not discuss sales of BMWs in Guam,

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
				much less sales of products incorporating Accused Devices from FMA.
FN 38	Ex. 16	Email string from Richard Harlow at FMA to Dan Landeck and Thomas Tewell at FMA regarding Automotive Business Activity Information, Bates No. FMA_0031540	Email from Fujitsu Limited to FMA discussing Fujitsu's automotive business <i>in Japan</i> for certain Fujitsu microcontrollers.	Email does not list any Accused Devices.  Email does not discuss sales to or from FMA or parts manufactured by FMA.
		Press release from Fujitsu Microelectronics Europe (FME) regarding MOST Car Infotainment product	Discusses a program FME in Europe involving Hyundai Autonet using the MOST automotive network.	Document does not list any Accused Devices.  Document does not describe the actual incorporation of a Fujitsu Limited or FMA Accused Device in an automobile, part of an automobile, or any other product.  Document does not mention FMA or sales or parts from FMA.
FN 39	Ex. 17	Email string from Philip Hughes at FMA to Keith Horn, et al. at FMA regarding Hella's decision to source Fujitsu for the GM Global A MSM/HVSM microcontrollers, Bates No. FMA_0034211	Email indicates that Fujitsu is planned as the source for a GM project to be launched.	Email does not list any Accused Devices.  Email does not state that an Accused Device manufactured or sold by Fujitsu Limited or FMA was incorporated



FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
				into an automobile or a part of an automobile.
	Ex. 18	Email string from Tina Dowd at Siemens VDO to Robert Bandemir, Karl Kopp, and Richard Harlow at FMA regarding confirmation that Fujitsu was awarded the graphics IC for the GM Epsilon program, Bates No. FMA_0034208.	Email indicates that Fujitsu was awarded the graphics IC for the GM Epsilon program.	Email does not list any Accused Devices.  Email does not state that an Accused Device manufactured or sold by Fujitsu Limited or FMA was incorporated into an automobile or a part of an automobile.
FN 40		<i>Id.</i> (Referring to Ex. 18)	See FN 39, above.	See FN 39, above.
FN 41	Ex. 19	Email string from fuse.takeshi@jp.fujitsu.com to wwgcd@edevicess.fujitsu.com regarding report on GDC activities, Bates No. FMA_0031552	Email describes Graphic Display Controller sales activities.	It is not clear from this email whether these sales pertain to Fujitsu Limited or FMA.  Ford and Visteon are not FMA customers.  Email does not state that an Accused Device manufactured or sold by Fujitsu Limited or FMA was incorporated into an automobile or a part of an automobile.
	Ex. 20	Fujitsu document titled 1HYFY06 Design Wins, All Business Groups.	Document lists FMA design wins.	Document does not state that an Accused Device manufactured or sold by FMA was

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
				incorporated into an automobile or a part of an automobile.
FN 42	Ex. 21	Email string from Richard Harlow to Mike Moore regarding the Visteon Design Win for the Jaguar Land Rover-GDC, Bates No. FMA_0034212.	Email discusses a design win for Viseton for the Jaguar Land Rover.	Email does not state that an Accused Device manufactured or sold by FMA was incorporated into an automobile or a part of an automobile.  FMA has shown that it has no sales to Viseton, Ford, Jaguar, or Land Rover.
FN 43	Ex. 22	Service Agreement between FMA and Cogent, Inc. (includes Recital regarding 08/13/04 Licensing Agreement between Cogent and Lexar Media), Bates No. FMA_0034154-59	Agreement discusses sale of MBF310 sensor from FMA to Lexar.	The Agreement does not discuss actual sale of FMA Accused Devices in Guam.
	Ex. 23	Press Release regarding the integration of Fujitsu's microcontrollers with flash memory devices by Lexar	Press release refers to fingerprint sensor added to Lexar Jumpdrive.	The Press Release does not discuss actual sale of FMA Accused Devices in Guam.
	Ex. 37	Declaration of Ray Acierto of PC Outlet ("Acierto Decl."), ¶5	Declaration by Mr. Acierto states that PC Outlet sells <i>or makes available for purchase</i> a Lexar Jumpdrive and SanDisk Compact Flash and has quoted a price.	Mr. Acierto did not state that PC Outlet had a Jumpdrive or Compact Flash available to sell in Guam and only quoted a price.  The MBF310 is not an Accused Device.
FN 44	Ex. 24	Press release regarding the compatibility of Fujitsu's microcontrollers with flash	Press release discusses compatibility of	The Press Release and Supply Agreement do not

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
		memory devices by SanDisk and Supply Agreement between FMA and SanDisk	MB91341 Series with memory devices.  The supply agreement discusses shipment of parts from SanDisk to FMA for shipment to Fujitsu Limited.	discuss actual sale of FMA Accused Devices in Guam.
	Ex. 37	Acierto Decl. at ¶5	See FN 44, above.	See FN 44, above.
FN 45	Ex. 20	Fujitsu document titled 1HFY06 Design Wins, All Business Groups .	Design Win chart shows sales of MB90F318R-001, MB95118, and MB90F337PFM to Sony for use in Digital and Analog Troy 07 Models	The document does not discuss actual sale of FMA Accused Devices in Guam.  Document does not state that Sony Troy 07 Model is sold in Guam.
FN 46	Ex. 25	Spreadsheet records listing customers of Fujitsu devices (Kyocera Wireless Corporation), Bates No. FJ0050113.	Spreadsheet produced by Fujitsu Limited shows Kyocera Wireless Corporation as a customer.	The spreadsheet does not provide evidence of sales of Accused Devices from FMA as being found in Kyocera phones sold in Guam.
FN 47	Ex. 25	Spreadsheets records listing customers of Fujitsu devices (Olympus), Bates Nos. FJ0052735, FJ0052931, FJ0053163	Spreadsheet produced by Fujitsu Limited shows Olympus as a customer, but not a customer of FMA.	The spreadsheet does not provide evidence of sales of Accused Devices from FMA as being found in Olympus cameras sold in Guam.
	Ex. 37	Acierto Decl. ¶4	Declaration states that PC Outlet sells <i>or makes available for purchase</i> Olympus Series	Mr. Acierto did not state that PC Outlet had an Olympus camera available to sell in Guam.

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
			Digital Cameras to the general public.	
FN 48	Ex. 25	Spreadsheets records listing customers of Fujitsu devices (Canon), Bates No. FJ0052735	Spreadsheet produced by Fujitsu Limited shows Canon as a customer, but not a customer of FMA.	Canon is not an FMA customer.  The spreadsheet does not discuss sales of Accused Devices from FMA as being found in Canon cameras.
FN 49	Ex. 12	Fujitsu document titled Fujitsu's Automotive Products and Solutions, Bates No. FMA_0034227-30	See FN 35, above.	See FN 35, above.
	Ex. 11	Press releases and marketing materials downloaded from Fujitsu Ltd.'s website regarding automotive applications for Fujitsu microcontrollers.	See FN 35, above.	See FN 35, above.
FN 50	Ex. 17	Email string from Philip Hughes at FMA to Keith Horn, et al. at FMA regarding Hella's decision to source Fujitsu for the GM Global A MSM/HVSM microcontrollers, Bates No. FMA_0034211;	See FN 39, above.	See FN 39, above.
	Ex. 16	Email string from Richard Harlow at Fujitsu to Dan Landeck and Thomas Tewell at Fujitsu regarding Automotive Business Activity Information, Bates No. FMA_0031538. Visteon is one of the world's largest automotive parts supplier. Visteon has developed components and systems for the 2005 Ford Mustang, the 2004 Nissan Quest, the Nissan Titan and Pathfinder Armada. Visteon's customer base also includes Hyundai, Kia, Mazda, General Motors, Daimler	Email from Fujitsu Limited to FMA discussing Fujitsu's automotive business <i>in Japan</i> for certain Fujitsu microcontrollers.	Email does not list any Accused Devices.  Email does not discuss sales to or from FMA or parts manufactured by FMA.  Visteon is not a customer of FMA.  Email does not discuss sales products actually

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
		Chrysler and Ford. <i>See generally</i> <a href="http://www.visteon.com">http://www.visteon.com</a> . (last visited on May 15, 2007). A copy of the website page is attached as <u>Exhibit 50</u> .		incorporating FMA Accused Devices in Guam.
FN 51	Ex. 19	Email string from fuse.takeshi@jp.fujitsu.com to wwgdcc@edevicess.fujitsu.com regarding report on GDC activities, Bates No. FMA_0031554	Email describing Graphic Display Controller sales activities.	It is not clear from this email whether these sales pertain to Fujitsu Limited or FMA.  Email does not state that an Accused Device manufactured or sold by Fujitsu Limited or FMA was incorporated into an automobile or a part of an automobile.
	Ex. 26	Email string from Dan Landeck at Fujitsu to George Wu at Fujitsu regarding FY05 self-performance evaluation and FY06 goals/objectives, Bates No. FMA_0031290. Delphi is a leading global supplier of mobile electronics and transportation systems. Delphi's diverse portfolio supports a wide range of manufacturers including Mitsubishi, Caterpillar, Hyundai, Mercury, Peugeot, Porsche, Suzuki, Nissan, General Motors. Daimler Chrysler, Harley-Davidson, General Electric, Volkswagen, Freightliner, John Deere, Kia Motors, Toyota, Honda, Bosch, BMW, Isuzu, Ford, and Fiat.	Email discussing design wins for FY06.	Email does not list any Accused Devices.  Email does not state that an Accused Device manufactured or sold by Fujitsu Limited or FMA was incorporated into an automobile or a part of an automobile.

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
		<i>See generally</i> <a href="http://www.delphi.com">http://www.delphi.com</a> . (last visited on May 15, 2007). A copy of the website page is attached as <u>Exhibit 53</u> .		
FN 52	Ex. 25	Spreadsheet records listing customers for Fujitsu devices (Denso International America). Bates No. FJ0050113;	Spreadsheet produced by Fujitsu Limited shows Denso as a customer.	Document does not list any Accused Devices.  Document does not state that an Accused Device manufactured or sold by Fujitsu Limited or FMA was incorporated into an automobile or a part of an automobile.
	Ex. 27	Design Wins 2HFY05, Bates No. FMA_00341435. Denso is active in all aspects of the automotive business — sales, product development and design and manufacturing — working in cooperation with regional car manufacturers and suppliers to provide the most suitable solutions to regional requirements. Denso earns the trust of its customers through <i>best meeting local needs with the strength of its global team based on networks that transcend local boundaries</i> . <i>See generally</i> <a href="http://www.denso.co.jp/en/aboutdenso/">http://www.denso.co.jp/en/aboutdenso/</a> . (last visited on May 15, 2007). A copy of the website page is attached as <u>Exhibit 51</u> .	FMA Design Win for 2HFY05 lists Denso as a customer.	Document does not list any Accused Devices.  Document does not state that an Accused Device manufactured or sold by Fujitsu Limited or FMA was incorporated into an automobile or a part of an automobile.
FN 53	Ex. 17	Email string from Philip Hughes at FMA to Keith Horn, et al. at FMA regarding Hella's	See FN 39, above.	See FN 39, above.



FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
		decision to source Fujitsu for the GM Global A MSM/HVSM microcontrollers. Bates No. FMA_0034211		
	Ex. 16	Email string from Richard Harlow at Fujitsu to Dan Landeck and Thomas Tewell at Fujitsu regarding Automotive Business Activity Information, Bates No. FMA_0031540. Hella KGaA's core business fields are the provision of light and electronics for the automotive industry. Hella's customers include all leading automotive and system manufacturers as well as the automotive parts trade. <i>See generally</i> <a href="http://www.hella.com">http://www.hella.com</a> . (last visited on May 15, 2007). A copy of the website page is attached as <u>Exhibit 52</u> .	Email from Fujitsu Limited to FMA discussing Fujitsu's automotive business <i>in Japan</i> for certain Fujitsu microcontrollers.	Email does not list any Accused Devices.  Email does not discuss sales to or from FMA or parts manufactured by FMA.  Email does not discuss sales products actually incorporating FMA Accused Devices in Guam.
FN 54	Ex. 18	Email string from Tina Dowd at Siemens VDO to Robert Bandemir, Karl Kopp and Richard Harlow at FMA regarding confirmation that Fujitsu was awarded the graphics IC for the GM Epsilon program. Bates No. FMA-0034208	See FN 39, above.	See FN 39, above.
	Ex. 25	Spreadsheet records listing customers for Fujitsu devices (Siemens VDO Automotive AG), Bates No. FJ0050667	Spreadsheet produced by Fujitsu Limited shows Siemens VDO as a customer.	The spreadsheet does not discuss sales of Accused Parts from FMA as being found in automobiles sold in Guam.
	Ex. 25	Fujitsu Standard Analysis reports regarding sales of multiple devices to multiple entities ("Siemens VDO"),	Sales database printout from FMA lists Siemens VDO as an FMA	The document does not discuss sales of Accused Parts from FMA as being

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
		Bates Nos. FMA_0021746-FMA_0021747	customer.	found in automobiles sold in Guam.
	Ex. 15	Email string from Dan Landeck at Fujitsu to John Anderson at Synergistic Sales regarding Fujitsu part number MB86291APFVS and its use by Siemens VDO (for BMW and Porsche). Siemens VDO is a leading international supplier of automotive electronics and mechatronics. The company's customer base includes all the 10 top vehicle builders in the world and many other tier-one suppliers. <i>See generally</i> <a href="http://www.siemensvdo.com">http://www.siemensvdo.com</a> (last visited on May 15, 2007). A copy of the website page is attached as <u>Exhibit</u> 49.	Email identifying part used by Siemens VDO for BMW and Porsche.	Email does not list any Accused Devices.  Email does not state that an Accused Device manufactured or sold by FMA was incorporated into an automobile or a part of an automobile.
FN 55	Ex. 29	Razzano Decl., ¶¶ 4-5, 9 with attached <u>Exhibit</u> C	Statement from Mr. Razzano that he spoke to Mr. Shen who informed him that Prestige Automobiles sells BMWs	Does not discuss any Accused Devices.  Does not state that any Accused Devices are found in BMWs sold by Prestige Automobiles.
	Ex. 35	Declaration of Joseph Crisostomo of Cars Plus, L.L.C., ("Crisostomo Decl.") ¶4	Statement from General Manager for Cars Plus, that the dealership sells used Hyundai cars.	Does not discuss any Accused Devices.  Does not state that any Accused Devices are found in Hyundai cars sold by Cars Plus.
	Ex. 57	Declaration of Robert Hernandez of Atkins Kroll, ¶4.	Statement from President for Atkins Kroll, that	Does not discuss any Accused Devices.

<b>FN #</b>	<b>Ex #</b>	<b>Nanya's Citation</b>	<b>Brief Description of Document</b>	<b>What is missing from these documents?</b>
			the dealership sells used GM vehicles.	Does not state that any Accused Devices are found in GM vehicles sold by Atkins Kroll.
FN 56	Ex. 25	Spreadsheet records listing customers for Fujitsu devices (Canon), Bates No. FJ0052735.	Spreadsheet produced by Fujitsu Limited lists Canon as a customer.	The spreadsheet does not provide evidence of sales of Accused Parts from FMA as being found in Canon cameras sold in Guam.
FN 57	Ex. 25	Spreadsheet records listing customers for Fujitsu devices (Olympus), Bates Nos. FJ0052735, FJ0052931, FJ0053163 and Acierto Decl. at ¶4.	Spreadsheet produced by Fujitsu Limited lists Olympus as a customer.	The spreadsheet does not provide evidence of sales of Accused Parts from FMA as being found in Olympus cameras sold in Guam.
FN 58	Ex. 25	Spreadsheet records listing customers for Fujitsu devices (Sony), Bates Nos. FJ0050107, FJ0050119, FJ0050471, FJ0050635, FJ0050663	Spreadsheet produced by Fujitsu Limited lists Sony as a customer.	The spreadsheet does not provide evidence of sales of Accused Parts from FMA as being found in Sony products sold in Guam.
	Ex. 28	order confirmation for Sony Ste Support Center, Bates Nos. FMA_00000090-FMA_00000094	These bates numbers are not in Exhibit 28	These bates numbers are not in Exhibit 28
	Ex 28	Fujitsu Standard Analysis reports regarding sales of multiple devices to multiple entities ("Sony Elec." And "Sony Ste."), Bates Nos. FMA_0021736-FMA_0021750, FMA_0021752;	Sales database printout from FMA shows Sony Electronics and Sony STE as customers.	The document does not provide evidence of sales of Accused Parts from FMA as being found in Sony products sold in Guam.

<b>FN #</b>	<b>Ex #</b>	<b>Nanya's Citation</b>	<b>Brief Description of Document</b>	<b>What is missing from these documents?</b>
	Ex. 27	Design Wins 2HFY05, Bates Nos. FMA_0034134 and FMA_0034136; and	FMA Design Win for 2HFY05 lists Sony as a customer.	Document does not state that an Accused Device manufactured or sold by Fujitsu Limited or FMA was incorporated into a Sony product sold in Guam.
	Ex. 20	IHFY06 Design Wins, All Business Groups, Bates No. FMA_0034123.	FMA Design Win for 1HFY06 lists Sony as a customer.	Document does not state that an Accused Device manufactured or sold by Fujitsu Limited or FMA was incorporated into a Sony product sold in Guam.
FN 59	Ex. 31	Fujitsu Standard Analysis report and order confirmation regarding sales of devices to 3COM. Bates No. FMA_0000001-FMA_0000002.	Sales database printout from FMA shows 3COM as a customer.	These are DRAM products and not microcontrollers as asserted by Nanya.  The document does not provide evidence of sales of Accused Parts from FMA as being found in products sold in Guam.
FN 60	Ex. 32	Fujitsu Standard Analysis Report, order confirmations, and work orders regarding sales of devices to Cisco Systems	Sales database printout and Orders from FMA shows Cisco as a customer.	These are DRAM products and not microcontrollers as asserted by Nanya.  The document does not discuss sales of Accused Parts from FMA as being found in products sold in Guam.
	Ex. 33	Press release regarding Fujitsu's	Press Release of	Document has no

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
		Ltd.'s collaboration with Cisco Systems.	collaboration for creating routers and switches.	discussion of Accused Devices.  The document does not discuss sales of Accused Devices from Fujitsu Limited or FMA as being found in products sold in Guam.
FN 61	Ex. 34	Summary [sic] of Restated Distribution Agreement between Spansion and Fujitsu.	Powerpoint discussion of Distribution Agreement between Spansion and Fujitsu Limited	Document has no discussion of Accused Devices.  The document does not provide evidence of sales of Accused Devices from Fujitsu Limited or FMA as being found in products sold in Guam.
FN 62	Ex. 22	Service Agreement between FMA and Cogent, Inc. (include Recital regarding 08/13/04 Licensing Agreement between Cogent and Lexar Media), Bates No. FMA_0034154-59	See FN 43, above.	See FN 43, above.
	Ex. 23	Press release regarding the integration of Fujitsu's microcontrollers with flash memory devices by Lexar.	See FN 43, above.	See FN 43, above.
	Ex. 28	Fujitsu Standard Analysis reports regarding sales of multiple devices to multiple entities ("Lexar Media, Inc."), Bates Nos. FMA_0021757; and	Sales database printout from FMA shows Lexar Media as a customer.	The document does not provide evidence of sales of Accused Parts from FMA as being found in Lexar Media products sold in Guam.
	Ex. 37	Acierto Decl. at ¶5.	See FN 43, above.	See FN 43, above.

<b>FN #</b>	<b>Ex #</b>	<b>Nanya's Citation</b>	<b>Brief Description of Document</b>	<b>What is missing from these documents?</b>
FN 64	Ex. 55	Declaration of Mike Benito of Payless Stores, ¶3	Declaration of Pay-Less Supermarkets General Manager, Mike Benito, that Pay-Less sells the Johnson & Johnson OneTouch Ultra.	The One Touch Ultra blood glucose monitor is not a product of Fujitsu Limited or FMA and does not contain parts from either company.
	Ex. 29	Razzano Decl. with attached <u>Exhibit A</u> . (Receipts for the purchase of One Touch Ultra blood glucose monitoring systems from Payless Stores).	Declaration that Mr. Razzano purchased a One Touch Ultra blood glucose monitor in Guam.	The One Touch Ultra blood glucose monitor is not a product of Fujitsu Limited or FMA and does not contain parts from either company.
FN 65	Ex. 29	Razzano Decl., ¶¶3-4.	See FN 55, above.	See FN 55, above.
FN 66	Ex. 35	Declaration of Joseph Crisostomo ("Cirsostomo Decl.") of Cars Plus, L.L.C., ¶4.	Statement from General Manager for Cars Plus, that the dealership sells used Hyundai cars.	Does not discuss any Accused Devices.  Does not state that any Accused Devices are found in Hyundai cars sold by Cars Plus.
FN 67	Ex. 29	Razzano Decl., ¶9.	Statement from Mr. Razzano that he spoke to Mr. Jeffrey Jones, Vice President of Triple J. Enterprises who informed him that he is the licensed authorized dealer for Ford Motor products and that he regularly offers Ford Motor Vehicles for sale on Guam.	Does not discuss any Accused Devices.  Does not state that any Accused Devices are found in Fords sold by Mr. Jones.
FN 68	Ex. 29	Razzano Decl., ¶9.	See FN 67, above.	See FN 67, above.
FN 69	Ex. 29	Razzano Decl., ¶7.	Statement from Mr.	Does not discuss



FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
			Razzano that he spoke to Mr. Joseph Slomka, the President and General Manager for Megabyte, who verified that Megabyte sells or makes available for purchase the following Fujitsu products: Fujitsu Lifebook Tablet PC, and the Lexar Media 256 MB Jump Drive Touch Guard.	any Accused Devices.  Does not state that any Accused Devices are found in these devices sold by Megabyte.  The Jumpdrive is not a Fujitsu product.
FN 70	Ex. 36	Declaration of Nobuyuki Tanaka of Photo Town ("Tanakar Decl."), ¶5; See	Declaration states that Photo Town sells or <i>makes available for purchase</i> Nikon and Olympus cameras.	No discussion of FMA or Accused Devices.  Olympus and Nikon are not FMA customers  Does not include any evidence concerning FMA or sale of FMA products in Guam.
	Ex 37	Declaration of Ray Acierto of PC Outlet ("Acierto Decl."), ¶5.	See FN 47, above.	See FN 47, above.
FN 71	Ex 37	Acierto Decl. ¶5.	See FN 43, above.	See FN 43, above.
FN 72		See <i>Id.</i> At ¶5.	See FN 44, above.	See FN 44, above.
FN 73	Ex 29	Razzano Decl. at ¶3 with attached materials (Invoice from Magnitude Electronics to Shore Chan Bragalone LLP regarding purchase of Fujitsu product MB91F362PFV).	Declaration from Mr. Razzano that he purchased Fujitsu parts from California and had them shipped to Guam.	Does not include any evidence concerning FMA or sale of FMA products in Guam.
FN 74		Declaration of Shigeru Kitano,		Declaration does

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
		¶¶4-16, attached to Defendant Fujitsu Ltd.'s Memorandum in Support of its Motion to Dismiss or Transfer [Docket No. 90].		not state that Fujitsu has never conducted any business in Guam.
FN 75	Ex 38	Submarine Cable Systems, China-U.S. Cable Network, Bates No. FMA_63076-114 and Fujitsu Submarine Networks, Bates No. NTC89560-661.	Documents describe joint venture involving Fujitsu and other companies for construction of undersea cable between California and China.	Document does not discuss Accused Devices.  Documents does not involve FMA.  The document does not provide evidence of sales of Accused Devices from FMA as being sold on Guam.
FN 76	Ex 39	Transcript of Shigeru Kitano ("Kitano Tr."), taken on April 26, 2007, p. 15.	Kitano deposition transcript.	Mr. Kitano did not confirm participation by FMA in the undersea cable project.
FN 77	Ex 40	Declaration of Joyce Tang ("Tang Decl."), ¶3; Razzano Decl. at ¶6 (Purchase materials related to purchase of Fujitsu Ltd. laptop computer); see also	Declaration claims that a Fujitsu laptop computer was ordered from California and shipped to Guam.	No discussion of FMA or Accused Devices.  FMA does not manufacture laptop computers.
	Ex 56	Declaration of Tyrone Petty of ComPacific Computer Store ("Petty Decl."), ¶3.	Declaration states that ComPacific sold or <i>made available for purchase</i> the Fujitsu Lifebook Tablet PC.	No discussion of FMA or Accused Devices.  FMA does not manufacture Fujitsu Lifebook Tablet PCs.  Does not include any evidence concerning FMA or

FN #	Ex #	Nanya's Citation	Brief Description of Document	What is missing from these documents?
				sale of FMA products in Guam.
FN 78	Ex 41	Declaration of Jessee Fujikawa ("Fujikawa Decl."), ¶ and attached materials (price quote for University of Guam for a Fujitsu hard drive).	Includes statements that Mr. Fujikawa (declaration does not identify who Mr. Fujikawa is) believes that FMA sells products in Guam because other Fujitsu subsidiaries manufacture products that he apparently found in Guam.	Does not include any evidence concerning FMA or sale of FMA products in Guam.  Includes hearsay interviews.  Many of the products that Mr. Fujikawa claims to have found in Guam must be ordered from elsewhere.
FN 79	Ex 42	Chan Decl. and attached materials (Receipt for purchase of Fujitsu Ltd. lithium ion computer battery).	Declaration and receipt show purchase of Fujitsu battery.	No discussion of FMA or Accused Devices.  FMA does not manufacture lithium ion batteries.
FN 80	Ex 29	Razzano Decl. at ¶3 with attached materials (Invoice from Magnitude Electronics to Shore Chan Bragalone LLP regarding purchase of Fujitsu product MB91F362PFV).	See FN 73, above.	See FN 73, above.
FN 81	Ex 40	Declaration of Joyce Tang ("Tang Decl."), ¶3; Razzano Decl. at ¶6 (Purchase materials related to purchase of Fujitsu Ltd. laptop computer)	See FN 77, above.	See FN 77, above.
	Ex 56	Petty Decl. at ¶3	See FN 77, above.	See FN 77, above.
	Ex 41	Declaration of Jesse Fujikawa ("Fujikawa Decl."), ¶ B and attached materials (price quote for University of Guam for a Fujitsu hard drive);	See FN 78, above.	See FN 78, above.

<b>FN #</b>	<b>Ex #</b>	<b>Nanya's Citation</b>	<b>Brief Description of Document</b>	<b>What is missing from these documents?</b>
	Ex 42	Chan Decl, and attached materials (Receipt for purchase of Fujitsu Ltd. lithium ion computer battery).	See FN 79, above.	See FN 79, above.
FN 82	Ex 41	Declaration of Jesse Fujikawa ("Fujikawa Decl."). ¶ B and attached materials (University of Guam invoice for a Fujitsu hard drive).	See FN 78, above.	See FN 78, above.
FN 83	Ex 40	Declaration of Joyce Tang ("Tang Decl."), ¶3; Razzano Decl. at ¶6 (Purchase materials related to purchase of Fujitsu Ltd. laptop computer).	See FN 77, above.	See FN 77, above.
FN 84	Ex 42	Chan Decl. and attached materials (Receipt for purchase of Fujitsu Ltd. lithium ion computer battery).	See FN 79, above.	See FN 79, above.
FN 85	Ex 43	"Fujitsu Direct Store" <a href="http://www.computers.us.fujitsu.com/index.shtml">http://www.computers.us.fujitsu.com/index.shtml</a> (last visited on May 14, 2007).	Printouts of Fujitsu's Direct Store website.	No discussion of FMA or Accused Devices.  This is not an FMA website.
FN 86		<i>Id.</i>	See FN 85, above.	See FN 85, above.